

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

KHAMISI BRANCH,

Plaintiff,

No. 2:11-cv-0596 JFM (TEMP) (PC)

vs.

UNKNOWN,

Defendant.

ORDER

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Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action pursuant to 42 U.S.C. § 1983.

The federal venue statute requires that a civil action, other than one based on diversity jurisdiction, be brought only in “(1) a judicial district where any defendant resides, if all defendants reside in the same State, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought.” 28 U.S.C. § 1391(b).

Plaintiff’s claim appears to focus on events that occurred at Salinas Valley State Prison, referenced in the complaint as “S.V.S.P.” Therefore the claim most likely arose in Monterey County, which is in the Northern District of California. Nothing in the complaint

1 suggests any link to anything or anybody in the Eastern District of California. All indications are  
2 the claim should have been filed in the United States District Court for the Northern District of  
3 California. In the interest of justice, a federal court may transfer a complaint filed in the wrong  
4 district to the correct district. See 28 U.S.C. § 1406(a); Starnes v. McGuire, 512 F.2d 918, 932  
5 (D.C. Cir. 1974).

6 Accordingly, IT IS HEREBY ORDERED that this matter is transferred to the  
7 United States District Court for the Northern District of California.

8 DATED: March 25, 2011.

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11 UNITED STATES MAGISTRATE JUDGE

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